

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT BARBERA,

Plaintiff,

v.

GRAILED, LLC,

Defendant.

Case No. 24-CV-3535 (LJL)

**DEFENDANT'S NOTICE OF
MOTION FOR SANCTIONS
PURSUANT TO RULES 16 AND 37**

PLEASE TAKE NOTICE THAT upon the accompanying (i) Memorandum of Law in Support of Defendant's Motion for Sanctions Pursuant to Rules 16 and 37, and (ii) the Declaration of Andrew Nietes in Support of Defendant's Motion for Sanctions Pursuant to Rules 16 and 37, Defendant Grailed, LLC, through its attorneys, Mitchell Silberberg & Knupp LLP, will move this Court at the United States District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, before the Honorable Lewis J. Liman, on a date and at a time to be designated by the Court, for an Order pursuant to Federal Rules of Civil Procedure 16 and 37 sanctioning Plaintiff Robert Barbera for his numerous discovery violations by (i) dismissing his First Amended Complaint filed June 4, 2024 (ECF No. 10) with prejudice and (ii) ordering that he pay Grailed, LLC's reasonable expenses, including its attorneys' fees, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
November 11, 2024

MITCHELL SILBERBERG & KNUPP LLP

By: /s/Andrew Nietes

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